

**REMARKS**

Re-examination and favorable consideration in light of the above amendments and the following comments are respectfully requested.

Claims 7 - 13 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 7 - 13 have been cancelled without prejudice and new claims 14 - 19 have been added to the application.

In the office action mailed April 14, 2009, claims 7 - 12 were rejected under 35 U.S.C. 112m second paragraph as being indefinite; claims 7, 8, and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,131,401 to Ueno et al. and further in view of U.S. Patent No. 4,285,210 to McCarty; claims 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and McCarty in view of U.S. Patent No. 5,752,726 to Fixemer; claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and McCarty in view of JP Patent Publication No. 2003-06516 to Sakamoto et al.; and claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno and McCarty and further in view of U.S. Patent Publication No. 2004/0065111 to Monfarad.

The foregoing rejections are traversed by the instant response.

The objections to the claims are duly noted, particularly former claim 7 is duly noted. New independent claim 14 does not have any of the objectionable material.

With regard to the rejection of claims 7 - 12 under 35 U.S.C. 112, second paragraph, this rejection is now moot in view of the cancellation of these claims. The terms "modified extension valve" and "modified linear compressor" as used in the

claims are to be understood in the context of the claims and the specification as being expansion valves or linear compressors, respectively, having a working position which allows flow to pass through without a significant pressure drop thereby allowing the secondary function of "realization of a fluid connection" as described on page 2 of the description. In contrast, in a "regular" expansion valve, a fluid is expanded becoming a gas and in a "regular" compressor, a gas is compressed becoming a fluid, respectively. Thus, in regular devices, there is no fluid connection realized in which a fluid enters and leaves the expansion valve or the compressor without changing its state of aggregation (see 2<sup>nd</sup> paragraph on page 2 of the description).

The rejection of claims 7, 8, and 13 under 35 U.S.C. 103 over Ueno and McCarty are now moot. New independent claim 14 is directed to a refrigeration installation having at least one refrigeration consumer, which includes at least one evaporator, having at least one feed line and at least one discharge line, via which a refrigerant or a refrigerant mixture is fed to the at least one refrigeration consumer and discharged from the at least one refrigeration consumer, the at least one refrigeration consumer having expansion members, wherein the expansion members being designed as modified expansion valves and/or as modified linear expansion machines, and each said refrigeration consumer being assigned a modified linear compressor, and the modified expansion valves and/or the modified linear expansion machines or the modified linear compressors having a working position which allows flow to pass through without a significant pressure drop. As can be seen, claim 7 no longer has any reference to a "bypass line". Thus, the new claim is directed only to modified expansion valves, modified liner expansion machines and modified

linear compressors which have a working position allowing flow to pass through without a significant pressure drop.

Contrary to the statement of the Examiner on page 5 of the office action expansion valves having a working position that is capable of allowing flow to pass through without a significant pressure drop is not disclosed by the Ueno patent. The only reference to an expansion valve made by Ueno can be found in column 3, lines 31 to 39, where such a working position is not mentioned.

Modified expansion valves, modified linear expansion machines, and modified linear compressors according to the invention are also not disclosed by McCarty. Thus, McCarty can not cure the deficiencies of Ueno. Instead, McCarty teaches a secondary defrost circuit which permits refrigerant flow to bypass the compressor and the expansion device (see McCarty, Abstract, Fig. 3 and col. 6, ll. 22 - 48).

The present invention provides an improved installation and method for defrosting the evaporators by circulating warm refrigerant through the refrigeration installation without the need of bypass lines reducing the costs of installation and maintenance.

As the modified expansion valves, the modified linear expansion machines and the modified linear compressors according to the invention each have a working position which allows flow to pass through without a significant pressure drop, there is no need for additional lines to bypass said devices.

Neither Ueno nor McCarty teach to provide such modified devices. Thus, even if combined, Ueno and McCarty do not render obvious the claimed invention.

Claims 15 - 19 are allowable for the same reasons as claim 14 as well as on their own accord. The Fixemer, Sakamoto, and

Monfarad references do not cure the aforementioned deficiencies of Ueno and McCarty.

The objection to the Abstract and the drawings are duly noted. Appropriate corrections have been made. The Examiner is hereby requested to approve the amended drawings.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,  
Uwe Schierhorn

By/Barry L. Kelmachter #29999/

Barry L. Kelmachter  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 29,999  
Attorney for Applicant

Telephone: (203)777-6628 ext. 112  
Telefax: (203)865-0297  
Email: [doCKET@bachlap.com](mailto:doCKET@bachlap.com)

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